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REPORT

-OF-

HON. H. P. H. BROMWELL,

COMMISSIONER,

-ON THE-

Revision of the General Laws

-OF THE-

STATE OF COLORADO,

-TO THE-

FOURTH GENERAL ASSEMBLY

-OF THE-

STATE OF COLORADO

DENVER
1883
TIMES: PUBLIC PRINTER

*To the Honorable, the Judiciary Committees of the Senate and
House of Representatives of the State of Colorado :*

In compliance with your request, I have the honor to submit to your consideration . First, a brief statement concerning the compilation of the General Statutes, and code of civil procedure, now in your possession, with the proposed amendments thereto Secondly, a short explanation of the intent of the several amendments

The first seventy chapters of the General Statutes were delivered to the Secretary of State on Monday, the fourth day of September, 1882, and the remaining chapters, being one hundred and nine in all before the printing of the first was completed. The forty chapters of the code of procedure before the completion of the printing of the General Statutes.

- The work as compiled consists of one hundred and forty-nine chapters, containing three thousand nine hundred and fifty-six sections, of which last, 3483, are contained in the General Statutes, and 473 in the code of procedure.

The index has not yet been completed beyond Section 1962 of the General Statutes ; the time which would have sufficed for its completion having been necessarily spent in revising the printed work, correcting errors of type and words in the titles, head notes, section notes, foot notes, cross-notes and head notes of chapters, headings of divisions, sub-divisions, sub-titles, etc., attending at times at the printing office, extending the head notes, and preparing bills of amendment to be laid before the General Assembly.

The work of compilation has been performed to the best of my ability according to the plan indicated in the statute, except where reference by one section to another,

for jurisdiction, restrictions, etc., prevented their displacement, and except some four sections which on further examination have been marked for transposition in the printed copy.

All sections of the acts from 1861 to 1868 were examined and repealing clauses noted to see if any portion still remained in force after the adoption of the revised statutes, also all enrolled bills of 1868. Nothing was found which could be construed as existing except that one section of an amendatory act might possibly be so considered, although the act it amended was repealed.

The copy when put together was carefully compared by the late E. W. Brewster and myself, with the enrolled bills of 1868, 1872, '74, '76, '77, '79 and 1881, the enrolled bills of 1870 not being found, and all variances corrected.

The side notes were rewritten entirely and placed at the heads of the sections, and not on the lateral margins, which was done to save space, estimated at one hundred and fifteen pages, as well as to render them more convenient for use.

The references to decision were prepared to about the middle of the fourth volume of the Colorado reports, but have not yet been completed. They were omitted from the printed copy by advice of the Attorney General and concurrence of the Secretary of State. I fully concurring in their judgment—with a view to save expense, and because they being quite numerous, it seemed doubtful whether or not the Legislature would desire to publish them.

If they are to be published, they can be completed and run in under the sections, or at the bottoms of pages, or at the ends of the chapters as desired.

Outside the specific requirements of the act as it seems to be generally understood, I have prepared an index to the Constitution containing over 2,000 entries, which is printed. Section notes to each section showing the book or books in which it formerly appeared, with page and section, also head notes to the number of four hundred

to the sections of the Constitution of the United States, the enabling act, and Constitution of the State, also cross-notes of reference to sections having relation to each other throughout the work

There are altogether about 4,500 head notes, 1,475 cross-notes, 3,956 section notes referring to over 8,000 sections in the various volumes of acts, in which they are found, about 1,900 sub-titles with a large number of subdivision heads, all of which, except the latter required close inspection of contents, besides comparison of all sections noted in the section notes, also bills of amendment which are printed to the number of thirty-eight, containing one hundred and twelve sections

These last are for the most part to correct the errors of enrolled bills, to get clear of repugnancies, supply omissions, dispose of partly superseded sections or re-enact or repeal doubtful sections. Some, however, are submitted to supply deficiencies, to render the criminal jurisprudence more uniform and complete, and to perfect other chapters if approved by General Assembly.

The following is a brief explanation as to each of said bills which are numbered on the margin for sake of convenience.

BILL NO 1

SECTION 1 amends S 37, Ch 3, Code, P 13, Revision, —S. 35, PP. 1161 and repeals Sec. 30, Ch. Corporations—220, P. 153, Gen. Laws, Sec 31 P 161, Revision. This amendment is to put in the Code what is left of said Sec. 30, making one section of the contents of both and repealing the latter.

BILL NO. 1.

SEC. 2. amends Sec. 24, P. 9, Code. This is to stop suing a man in a distant part of the State, except as provided, etc., great abuse has grown out of it. It is very convenient for collecting eastern claims—the attachment law as changed adds to this.

BILL NO. 1.

SEC. 3 amends Sec. 51, P. 18, Code. Sec. 50, P. 1166, Revision, to allow demurrer for want of facts to entitle plaintiff to relief *prayed for*—merely an addition to the section—suggested by Judge Helm.

BILL No. 1.

SEC. 4. Amends Sec. 65, P 21 Code, Sec. 63, P 1168. Revision—description of real estate in suit, it now reads, "*by legal sub-divison or by metes and bounds*" Many *town lots*, etc., are not *legal sub-divisions*. It makes great trouble. I do not think the section of any use when amended, but better than it is now.

BILL No. 1.

SEC. 5. Amemds Sec. 126, P. 46, Code, Sec. 121. P. 1189. Revision, as to condition of injunction bond in

cases other than to stay judgment, add *damages for wrongful suing out* Suggested by Judge Elliott I think it important

BILL No 1.

SEC. 6 Amends Sec 125, Code, P. 46, making it conformable to 126, in not requiring bond from *State, county, or city*, etc. (See line 6 Bill).

BILL No 1.

SEC. 7 Amends Sec. 159, P. 62, Code, Sec 154, P. 1203. Revision, to avoid necessity of stopping trial and sending out 20 or 50 miles in different directions for talismen, and make the law conformable to Sec. 1468, Gen. Laws, Sec 1684, P. 630. Revision—Judge Elliott.

BILL No. 1.

SEC. 8 Amends Sec 226, P. 88, Code, Sec. 225 (18), P. 1225 Revision This amendment is a *mistake* of my own making. It should be *stricken out* before offering the bill, if passed, the section (226) would be rendered *useless*.

BILL No. 1.

SEC. 9. Amends Sec. 246, Code, P. 95, Sec. 260, P. 1239. Revision. The Sec. 246 says, "either *before* or *after*," which must be *wrong*. This Sec. 226 and the *amendment* proposed should be very carefully considered. I fear the amendment is *insufficient* to protect *innocent purchasers*. The whole thing is wrong, it creates a secret lien—a repeal would be better.

BILL No. 1.

SEC. 10. Amends Sec 105, P. 38, Code—Sec 102, P. 1183. Revision, to include all that is in Sec. 415, P. 154, Code—Sec. 439, P. 1292, Revision, and repeals the latter. The two sections are alike except that 415. requires an order of the Court to sell.

BILL No. 1.

SEC. 11. Amends Sec. 18, P. 6, Code—Sec. 17, P. 1156, Revision, to include all that is in Sec. 419, Code—Sec. 443, Revision, and repeals the latter. The two sections are alike except one (419) says "*contract*" and the other (18) says "*debt*." The amendment includes both words, and gets rid of one section.

BILL No. 1.

SEC. 12. Adds three sections to Code, to form a short chapter to cover arrests of judgment, and get rid of the troublesome rule of common law that a motion in arrest waives a motion for new trial.

BILL No. 2.

SEC. 1. Amends Sec. 11, Ch. 17, Rev Statutes, Conveyances, Sec. 156—11, P. 142, Revision, as to the covenant of Warranty. As the Statute stands no right of action accrues on a Warranty until the Warrantor is notified and *refuses* to defend, but if he does *not refuse* and *defends* and gets beaten the Warrantee is *without remedy*. This makes the covenant amount to nothing more than to pay the expense of a law suit. N. B. There is an omission of the words, "*The Revised Statutes*" in the *enacting clause* of this amendment It must be inserted as it affects all the sections following in same chapter.

BILL No. 2.

SEC. 2. Amends Sec 19, same chap.; Sec. 164—19, PP. 145—6, Revision, to reinsert word "*party*" which has been eliminated by amendment of 1876, and *repeal* of the amendment in Code, P. 162, so that there is a blank left in the section which destroys its effect. It has been *printed* in Gen. Laws, P. 139, as if nothing had happened. See note to Section 19, P. 146, Revisions

BILL No. 2.

SEC. 3. Amends Sec. 29, same Chapter, Sec. 176—31, P. 149, Revision, to allow commissioners of deeds to furnish the impress of their seal or *paper* or wax. As it now stands the Secretary's office is continually troubled sending back those documents to get wax on them, while all other seals may be on paper.

BILL No. 3.

SEC. 1. Adds provisions to Sec. 29, P. 152, Gen. Laws. Sec. 214—30, P. 161, Revision, to protect private rights, so that the time of the court will not be wasted in argument as to what the law is in case the city authorities grant the use of a *street* to the injury of a citizen.

BILL No. 4.

SEC. 1. Amends Sec. 2, P. 253, Gen. Laws; Sec. 417—2, P. 223, Revision, to modify the rigorous provision requiring a *statement* to be made to give *jurisdiction*, when the *facts sufficient* otherwise appear by the allegation, or the case has been *tried* and the facts appear by proof, great injuries arise from technical trammels on jurisdiction where judgments have been otherwise lawfully rendered.

BILL No. 4.

SEC. 2. Amends Sec. 14, P. 258, Gen. Laws; Sec. 16, P. 228, Revision; to ameliorate the hardships of adminis-

trators, etc., being compelled to give heavy bonds on appeal, the judgment can only be in effect to pay in due course of administration, and they are *already under bond* to do that—the appeal only amounts to a delay and new trial, and the bond ought to be reasonable.

BILL No 5.

SEC 1. Amends Section 53, P. 232, Gen Laws—Sec 54, P. 247, Revision, concerning the deputies of county clerks and puts them on the footing of other deputies, as the law stands the deputy clerk cannot act when the clerk is *present*, but in his absence. The amendment also requires bond of the deputies as in case of Under Sheriff

BILL No. 5.

SEC. 2. Amends Sec. 50, P. 232 Gen. Laws—Sec. 514-71, P. 252, Revision, to conform to the provisions of Sec. 29, Art. 6 of the constitution as *amended*, at the election 1877. See revision P. 57, Gen. Laws, PP 132-3.

BILL No. 5.

SECTION 3. Amends Sec. 116, P. 247, Gen. Laws—Sec. 572-129, P. 266. Revision, to require bond of county Surveyor to be approved by the County Commissioners as the bonds of other officers.

BILL No. 6.

SECTION 1. Amends Sec. 60, P. 206, Rev. Statutes, Sec. 62, P. 274 Gen. Laws—Sec. 679-69, P. 297. Revision, as follows: In Revised Statutes it *prohibited* punishment in penitentiary except when the value was *five dollars*, and provided punishment in jail when the value *did not amount to five dollars*—by act of 1870 P. 71, acts 1870, the first *five* (line 11 Sec. 60 Rev. S.) was changed to *twenty*, and the word *five* in line 14, was left standing, so there is no punishment where the value is *over five* and *less* than *twenty* dollars.

BILL No. 6.

SECTION 2. Amends Sec. 62, P. 206, Rev Statutes, Sec. 681, 71, P. 298, Revision (Sec. 64, P. 275 Gen. Laws) to correct the defect in the enrolled bill by which the language is confused and unintelligible. See italics in revision, P. 298.

BILL No. 6.

SEC. 3. Additional Section providing punishment for a frequent offence, the injury and destruction of personal property not included in former laws.

BILL No. 6.

SEC 4. To give justices jurisdiction of disturbances, challenging tumults, etc. At present the offenders must be bound over, etc., and create cost to the county.

BILL No. 6.

SEC. 5. Amends Sec. 177, P. 235, R Statutes. Sec. 783, 183, P. 313, G. laws, Sec 816, 206, P. 339, Revision, as to injuries to jails. As the Section now stands if a man burns a jail, *worth \$30,000*, he *cannot* be *fined* over \$5,000, *nor less than the value* of the jail, \$30,000

BILL No. 6.

SEC 6. Amends Sec 196, P. 238, Rev Statues Sec. 802, 202, P. 317, G Laws. Sec. 850, 240, P 348, Revision as to chaining convicts at labor The section as it stands requires chaining *in all cases*, which in many instances is wholly unnecessary, and cruel.

BILL No. 6.

SECTION 7. Amends Sec. 199. P. 239, Rev, Statues. Sec. 805-205, P. 318 Gen. Laws. Sec. 853-243, P. 349. Revision, to conform to the Constitution, See. Sec. 3 & 4, Art. 12, Const. P. 70, Revision—Sec 10 art 7, Const. P. 59. Revision.

BILL No 6.

SECTION 8. Amends Sec. 228, P. 247, Rev. Statues —Sec. 833-233, P. 328 Gen. Laws—Sec. 882-272, P. 359 Revision to make the law which is apparently temporary,

permanent, and provide for contingencies, such as fire &c., which may prevent sending convicts to the penitentiary for want of room there.

BILL No. 6.

SECTION 9. Repeals Sec. 263 (IX) P. 257, Rev. Statutes—Sec. 866-266, P. 338, Gen. Laws—Sec. 913-303, P. 369, Revision.

The Sec. provides for prosecutions under the same act or under the act of Nov. 5, 1861, while that act is repealed by another portion of the Rev. Statutes, in the Gen. repealing act P. 686, app. Jany. 10, 1868, so that the section is worthless.

BILL No. 7.

SECTION 1, and Section 2, provides for filing notice of the arrest and indictment &c., of accused parties, as the law creates a *lien* on their property for fines and costs, to run from the arrest, or indictment as the case may be. See Sec. 873-203, P. 355, Revision.

BILL No. 7.

SECTION 3. Same subject, to provide notice by Clerk of District Courts of recognizance on replevy of fine; which is also a lien. See Sec. 874-264, P. 355, Revision.

BILL No. 7.

SEC 4. Same subject, providing notice of suits brought against debtors to state, which suit is a lien *from commencement*. See Sec. 1206-69, P. 459, Ex Dept, Revision.

BILL No. 7

SECTION 5. Prescribes duty of clerk to file and record, etc.

BILL No. 7.

SECTION 6. Prescribes fees

BILL No. 8.

SECTION 1 Amends Sec. 1, P. 96, acts 1872, Sec 344 P. 194, Gen Laws—Sec 356-22, P 204, Revision. The former law made the number of Grand Jurors 23, and Sec. 1, acts 72, made the number necessary to report a malicious prosecution before them, twelve; afterwards the number of grand jurors was reduced from 23 to 12, and this amendment reduces the number necessary to report malice to nine; otherwise the whole grand jury would have to concur, which was not the object of the law, as then anyone could prevent a report.

BILL No. 9.

SEC. 1. To amend the law touching the criminal jurisdiction of Justices to make it uniform. Now the Justice can try a case of assault and battery where the fine is \$500.00 and imprisonment six months, but cannot try a number of other cases where the fine is not over fifty dollars, and others where it is more but not \$500.00. The counties are put to great expense by bringing their matters into District Courts.

BILL No. 10.

SEC. 1. Sec. 3, P. 262 Revised Statutes, provides for District Attorneys giving bond. The section was omitted in the Gen. Laws, and it is treated by the State authorities and District Attorneys as not in force, as I am informed, and they no longer give bond, although they handle public moneys, etc.

The object of this bill No. 10 is to re-enact the section in such form as not to imply that it is defunct, with certain proper amendments to fit the State Government.

BILL No. 11.

SEC. 1. Re-enacts a very useful section of the Revised Statutes, P. 268, Sec. 961, 15, P. 389, Revision, which allows a Dist. Judge to call in another Judge to hold court for him. By some means it is supposed by some that this section is defunct, and it is considered doubtful, hence this bill to make it certain.

BILL No. 12.

This is a similar case to the two last, to re-enact a section of Rev. Statutes (pp. 315-16, R. S.), Sec 374, P. 1272, Revision, providing for notice of taking depositions when neither the adverse party nor his attorney resides in the State.

BILL No. 13.

SEC 1 This is a similar case to the three last above, to re-enact a section of the Rev. Statutes, which empowers the Governor to examine the books of the Auditor and Treasurer at any time, etc.

BILL No. 14.

SEC. 1. To repeal and substitute, etc., Sec. 1, P. 65, Act 1879; Sec. 1218-81, P. 462 Revision, because the section is doubtful as to whether it is a temporary provision or permanent, and I understand the State officers act under it as if it were permanent It should either be *repealed* or *re-enacted*.

BILL No. 15.

SEC. 1. New section to allow appraisers appointed by courts and Justices their pay. At present the matter occasions trouble.

4

BILL No. 16.

All the sections of this bill are intended to make the law read in conformity to the provision of the General Laws (Sec. 1599, P. 576; s. 1752, P. 651, Revision) providing that all appeals from Justices shall go to the County Court. These appeals go to the County Court, but there is no law providing for bonds or proceedings in the court above, etc., except the old sections which say *District Court*.

BILL No. 17.

SEC. 1. Amends 1248-2, P. 475, General Laws—Sec. 1317-20, P. 510, Revision—so as to make it conform to all the other cases, which provide for leaving the summons with a person *fifteen years of age*

BILL No 18.

SEC. 1. This substitutes "State of Colorado" for "Colorado Territory as defined in the organic act," the words "State of Colorado as defined in the constitution of said state." See Sec. 1372-1, P. 515, Gen. Laws, are mere changes of print.

BILL No. 19.

SEC 1. Enacts a new section providing for service of notices on parties in adjudication of water rights

This section provides the same service in case where a Referee is appointed as is provided in case the testimony is taken in open court (see Sec 8, P. 148, acts 1881—Sec. 1545-60, P 585, Révision). For want of this provision the courts feel compelled to provide for it by order, under the authority to make rules and orders in Sec. 24, P. 155, acts 1881, as was done in the Cache-la-Poudre District. The Section will be of great importance as all adjudications take place before referees

BILL No. 20

SEC 1 This section is to adjust the discrepancies which exist between the Gen. Laws and the Code in respect to judgments (See S. 1, P. 523, Gen. Laws—Sec. 1, P. 697, Revision). It takes nothing from the Code, but makes the Chapter, Judgments and Executions, conform to it. There is some repetition of the Code but that cannot be well avoided. See Sec 199 to 204, P P. 1218-19, Revision, where the Code Sections stand amended—Sec. 208-9-11 and 12, of the original act, P.P. 82-3

BILL No. 20.

SEC 2. Enacts new section to provide a time when the rights to execution shall cease. The Code treats of *revival* of judgments, and the *lien* of six years. The Gen. Laws also of the life of the *lien*, but I can find nothing which limits the life of the *judgment* for the purpose of issuing *execution*, which might go on personalty and as to a justice's judgment that seems to be, and is sometimes held to be indestructible by time

BILL No. 21.

SEC. 1. To get rid of the pile of superseded provisions which have not been heretofore formally repealed.

BILL No. 21.

SEC. 2. Amends Sec. 15, P. 542. Gen. Laws (not in Revision) so as to provide for trial of challenges to the Grand Jury.

BILL No. 22.

Sec. 1. Amends Sec. 13, P. 399, Rev. Stat.—Sec. 1494-13, P. 550 Gen. Laws—Sec. 1722-25, P. 643, Revision, which is framed so as to in effect exclude the ordinary evidence of books, letters and other instruments before a justice.

BILL No. 22.

Sec. 2. Amends the verbiage of Sec. 31, P 403, Rev. Statutes—Sec. 1512-31, P. 555 Gen. Laws—Sec. 1737-40, Revision, to conform to the printed statute. This section is not printed in any book except the revision as it is in the enrolled bill. See Revision 1737, P. 647, and the confusion will appear.

BILL No. 22

Sec. 3. Amends Sec 38, pp. 404-5, Rev. Statutes—Sec. 1519-38, P. 557, Gen. Laws—Sec. 1753-56, P. 652, Revision, (see note at end of latter section).

This section is in dispute as to whether in Arapahoe Co. All costs must be paid or not. The amendment will settle this, and make the law uniform as it is in all counties but Arapahoe

BILL No. 22.

Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12, all are amendments of the sections concerning appeals from justices and merely change the verbiage to substitute *County Court* for *District Court* to conform to Sec 1599-3, P. 576, Gen. Laws. The sections amended are 38, 39, 40, 41, 43, 44, 46, 48 and 49, pp. 408 to 404, Rev. Statutes. Same numbers in Gen. Laws, pp. 557 to 560. Division IV, appeals Page 651 and following, Revision.

BILL No. 22

SECTIONS 13, 14, 15, 16. Make the same amendments as above last mentioned, changing *District Court* to *County Court*, in cases of *certiorari*.

The sections amended are on pages 408-9, Rev. Statutes—Pages 560-61, Gen. Laws, pages 655-6 Revision.

The difference between these sections and those concerning *appeals* is that the law requires all *appeals* to go to the *County Court*, but not *certiorari*; but the latter is only another mode of appeal, and there seems to be no

reason for separating them. The common law certiorari would, of course be issued by the District Court as heretofore, by virtue of its General Jurisdiction. See Bill No 24 in same matter

BILL No 22

SECTION 17 Amends Sec. 60, P. 410, Rev. Stat—Sec. 1541-60, P. 562, Gen. Laws—Sec. 1731-34, P. 645, Revision, so as to allow tender and payment by defendant to the Justice as well as to the Constable—and at any time before trial—this would have been always right as I think; but much more so now, when a summons can be served without the Constable seeing the defendant.

BILL No. 22.

SECTION 18. Repeals Sec. 64, P. 411, Rev. Stat—Sec 1545-64, Gen. laws—Sec. 1713-16, P. P. 640-41, Revision. This section seems to be entirely superseded by section 1, P. 109, acts 1879—Sec. 1711-14, P 640, Revision, and should go out.

BILL No. 22.

SECTION 19, (This is number 18—it should be 19). This amends Sec. 103, P. 418, Rev. Statutes—Sec. 1582-101, P. P. 571-2, Gen. laws—Sec. 1706-9, P. 638 Revision So as to allow suits to be brought in cities where there are parts of several Justices' precincts included in the

limits of the city, before any of the Justices in the city, otherwise continued mistakes are made and much loss and trouble

BILL No. 23.

SECTION 1. Amends Sec. 1. (entire act) P 109, acts 1879—1711-14, P 640, Revision, so as not to interfere with the provision for *posting* summons on the *property* in case of forcible entry and detainer, as there are some reasons why that mode was provided in that case, and it is supposed that that provision was not intended to be embraced in the later law of 1879. If it is, however, this Sec. of 1879 repeals it. This is for the committees to decide and act accordingly.

The Sec. to be amended is on P. 109, acts 1881—P. 640, Revision, and the section in For entry and detainer, which provides posting, &c, is Sec 1248-2, P. 475, Gen laws, in force Feb. 16, 1877—Sec 1317, P. 510, Revision, and amends Sec, 10, P P 334-5 Rev. Statutes—Sec 1238 -10, P. 472, Gen. laws—Sec. 1307-10, P P 507-8, Revision, which see.

BILL NO. 24

SECTION 1 Amends the law removing cases on *certiorari* to District and County courts, so as to send all to the County courts as other appeals. The section to be amended is 1601-5, P. 576, General Laws Sec 1773-76, P 656, Revision. This is a necessary amendment in case the other amendments in Bill No 22, Sec 13, 14, 15, and 16, are adopted. See bill 22.

BILL NO. 25.

SECTION 1 amends Sec. 1, P.P. 421-2, Rev. Statutes as to who shall be librarian and where library shall be kept. It enacts into law the amendments which appear in the Gen. Laws. Sec. 1604-1, P. 577—Sec 1850-1, P. 676, Revision, which amendments were not in fact made so far as can be discovered but are based solely on printers' ink.

BILL NO. 26.

SECTIONS 1 to 12 being all of this bill are only a re-enactment of the general lien law in favor of ranchmen, mechanics, hotel keepers, etc., which are believed to have suffered defunctation by the repealing clause of the late Builder's and Mechanics' lien law.

The sections from Sec. 4, on the end, seem of no use in ordinary cases, but only where a company or other person accumulates a large amount of stuff, on account of the burdensome provisions.

The sections to be re-enacted are 1640-1, P. 584, Gen. Laws, and following—Division 2; P.P. 687-8 Revision.

- BILL NO. 27.

SECTION repeals act to provide for drainage of mines, 1872, P. P. 154-5-6, acts 1872. The new act 1877, P. P. 635-6-7-8, Gen. Laws, supersedes all its provisions so far as I can discover.

BILL NO. 28

SECTION 1 amends the verbiage of Sec 4, P. 495, Rev. Stat—Sec. 2292, P 799, Revision. This section has not been printed according to the enrolled bill, but is restored in the revision. This amendment is to put it in shape about as it is printed in Rev Statutes and Gen. Laws. Sec. 199-3, P. 682, See P 799, Sec. 4 Revision, where the original language is restored.

 BILL NO. 29.

SECTION 1 This merely puts the provision concerning the enacting clause of bills in the language in which it is now printed—See Sec. P. 994, Gen laws This Sec. was part of Ch. 79, Rev. Statutes and is entirely different, and was changed without legal enactment. See Sec 6. P. 590, Rev. Statutes.

 BILL NO. 30.

SECTIONS 1 2, and 3, amend Sec. 2577-1, P. 854, Gen. Laws—Sec. 2939-87, P. 997, Revision also, Sec. 2582-6, P. 856, Gen laws—Sec 2934-32, P 996, Revision and Sec. 2600-24, P. 862, Gen. Laws—Sec 2949-47, P. 1001, Revision, so as to place the prosecution of the offenses on the same ground as to guilt, as other criminal cases—as they are no court can be found to enforce them—they are a discredit to our jurisprudence, as the idea of punishing without regard to *guilt* is abhorrent to all civilized people

BILL No. 31.

SECTION 1. Amends Sec. 5, P. 875 Gen. Laws. Sec. 3034-5, P. 1031, Revision, so as to agree with Sec. 4, next preceding. There is a repugnance between the two sections. Section four says when the *officers* are *elected* and *qualified*, the *incorporation* shall be deemed *complete*, but Section 5 says when the *incorporation* is *complete* the *officers may be elected* etc. The amendment is to reconcile this discrepancy.

BILL No. 31.

SECTION 2. Amends Sec. 43, P. 901. Sec. 3077-48, P. 1056, Revision, as to its verbiage to make it express the intent of the framers.

BILL No. 32.

SEC. 1. Amends Sec. 23, P. 936, Gen. Laws. Sec. 23, PP. 647-8 Rev. Statutes. Sec. 3233-23, P. 1106. Revision, the only change is the words, "in the manner *now* or *hereafter to be provided by law*," in place of the words, "as provided in the *chapter concerning evidence and depositions*," because that chapter so far as relates to depositions, has been so legislated out of existence by the code provisions and others that the reference to it is useless, and the later provisions are not the ones referred to. This I deem an amendment of importance.

BILL No. 32.

SEC. 2. Amends Sec. 84, PP. 667-8, Rev. Stat. Sec. 2871-84, P. 961, Gen. Laws. Sec. 3295-85, P. 1129. Re-

vision, so as to allow the evidence of witnesses, etc., on an examination of a party alleged to have property, etc., in his hands belonging to an estate. This was in the Illinois statute from which ours was taken, and was probably left out inadvertently. Now the court is often baffled for want of such provision.

BILL No. 33.

SEC. 1. Would repeal the two clauses in the attachment act of 1881—Sec. 1. P. 38, & Sec. 2. P. 40, acts 1881—Sec. 90, P. 1179, Revision & Sec 1774—77, P. 657, Revision. The ground on which this repeal is urged by many of our people are that these clauses are unusual and not called for by our people; but for the benefit of collection attorneys representing foreign claimants.

BILL No, 34.

SEC. 1. New section to carry out the real intent of our late Statutes, which still leave the courts hampered by the want of standing in court of a married woman on questions of the highest right and importance, when she applies for protection or redress against her husband without suing for divorce. The worst cases of abuse I ever knew of, and continually occurring, have gone without remedy for this cause; and if the courts should begin to hold such cases within the present laws it will waste months in discussion and appeal, &c. A married woman can sue now in *all cases* as if *sole*, but the trouble is she has *no case* to sue in, as long as the old fiction of man and wife being *one* is applied to *suits*. Several States have lately provided that the wife shall have *the same rights* as a wife that the husband has as a man &c., but this fails

because *he has no such right himself*, he is the same one that *she* is under our law. This amendment gives them both a chance and I hope will tend to close out the subject.

BILL NO. 35

This whole bill is to clear up a difficulty which is now making trouble, by reason of a portion of the Rev. Statutes—Sec. 1 & 2, P. 618, R Statutes, (omitted in Gen. Laws) but partly superseded by Art. 11, P 876 and following, being unrepealed, being doubtless partly in force.

Compare sections 1, 2, 3, 4 & 5, PP. 618-19 Rev. Statutes with Sec. 6 and Sec. 7, P. 876, Gen Laws—Sec. 3036-7, P. 1032, Revision.

The sections in the Rev. Statutes are the only ones which provide for the execution of the plot, the duty of the clerk, and *copies being evidence*, etc., which of course were not intended to be repealed. The matter is in doubt and this bill is intended to settle that and make the law conformable

The sections 7 & 8, Rev. Statutes, P. 619, are proposed to be repealed, because said Sec. 8 is substantially superseded by Sec. 1, P. 197 Acts 1879, amending Sec. 101, P. 918, Gen. Laws, it is on P. 1072, Revision, Sec. 3135-106; and because said Sec. 7 as the law of 1877 stands (Sec. 7, P. 876, G. L.) it gives an opportunity to one-fourth the members of a town board power to sit down on an addition to the detriment of the public and the injury of the owner.

BILL NO. 36.

SEC. 1. Amends Sec. 25, P. 113, Rev. Statutes, to make it conformable to later law, Sec. 1, P. 185, Acts

1874, Sec. 1759, P. 615, Gen. Laws—Sec. 2037-13, PP. 728-9, Revision. The Sec. 25 only had reference to contracts where the wife *joined with her husband*, for that was all the way she could act, now she can contract as to her property and ought to be liable on her contract. The amendment will still protect her where she joins with her husband or others as to their property

BILL No. 37.

SEC. 1 Amends Sec. 5, P. 484 Rev. Statutes, because when that statute was made there was *one* clerk for the *whole district*. Now there is a *clerk in each county*, and it is without reason that he should file his bond in all the other counties, and all the other clerks in his. See Sec. 1935-5, pp. 663-4, Gen. Laws; Sec. 2241-5, P. 784, Revision.

BILL No. 38.

SEC. 1. Amends Sec. 1, P. 419, Rev. Stat., Sec. 1290-1, P. 486, Gen. Laws; Sec. 1386-1, P. 532, Revision; to make the hour of meeting conform to the Constitution, Sec. 7, Art. 5, pp. 43-4, Revision.

The above mentioned bills of revision are all that I have taken the liberty to submit. The explanations, though brief, I hope will be found sufficient in connection with the references to sections and pages to save the committee some valuable time in exploring the three hundred or more sections involved.

Tendering my thanks for the great courtesy received
at all times from your committees and members personally,
with assurance of high esteem,
I have the honor to remain,

Your obt. serv't,

H. P. H. BROMWELL,

Comm'r.